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Response to Notice of Non-Compliant Amendment dated April 11, 2009 and Office Action dated January 6, 2009

## **AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions and listings of claims in the application:

## **Listing of Claims:**

Claims 1-15. (Canceled)

16. (Original) A delivery device for delivering at least one surgical anchor, the delivery device comprising:

a. a housing,

b. a delivery tube with distal and proximal ends,

c. a reciprocating anchor carrier, with distal and proximal positions and distal and proximal ends, the distal end of the anchor carrier terminating in a tissue penetrator member, the reciprocating anchor carrier being moveable distally and proximally with respect to the delivery device,

d. at least one surgical anchor located in a juxtaposition with the anchor carrier each surgical anchor having a penetration section and a head section, an actuator having at least two states, the first state causing the anchor carrier to be in its proximal-most position and the second state causing the anchor carrier to be in the distal-most position with the penetration section of the surgical anchor exposed beyond the distal end of the delivery tube.

17. (Currently Amended) The apparatus device of claim 16 where the surgical anchor is formed from one or more absorbable polymers.

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18. (Currently Amended) The apparatus device of claim 16 where the provided surgical anchor includes a blunt distal end.

- 19. (Currently Amended) The apparatus device of claim 16 where the provided surgical anchor includes one or more slits for removal from the anchor carrier.
- 20. (Currently Amended) The apparatus device of claim 16 where the provided surgical anchor includes one or more barbs for engagement with the tissue.
- 21. (Currently Amended) The apparatus device of claim 16 where the provided delivery device includes a queuing spring.
- 22. (Currently Amended) The apparatus device of claim 16 where the provided delivery device includes reaction members.
- 23. (New) A delivery device for delivering at least one surgical anchor, the delivery device comprising:
  - a. a housing,
  - b. a delivery tube with distal and proximal ends,
  - c. at least two reaction members fixed in respect to the delivery tube, and
- d. a reciprocating anchor carrier, with distal and proximal positions and distal and proximal ends, the distal end of the anchor carrier terminating in a tissue penetrator member, the reciprocating anchor carrier being moveable distally and proximally with respect to the delivery device.

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24. (New) The device of claim 23 further comprising at least one surgical anchor located

in a juxtaposition with the anchor carrier each surgical anchor having a penetration section and a

head section.

25. (New) The device of claim 24 wherein the surgical anchor includes a blunt distal end.

26. (New) The device of claim 24 wherein the surgical anchor includes one or more slits

for removal from the anchor carrier.

27. (New) The device of claim 24 wherein the surgical anchor includes one or more barbs

for engagement with the tissue.

28. (New) The device of claim 24 wherein the reaction members are configured to allow

passage of the surgical anchor in a single direction.

29. (New) The device of claim 23 wherein the delivery device includes a queuing spring.

30. (New) A delivery device for delivering at least one surgical anchor, the delivery

device comprising:

a. a housing,

b. a delivery tube with distal and proximal ends, and

c. a reciprocating anchor carrier, with distal and proximal positions and distal and

proximal ends, the distal end of the anchor carrier terminating in a tissue penetrator member, the

reciprocating anchor carrier being moveable distally and proximally with respect to the delivery

device, the tissue penetrator member having a proximal shoulder configured to removably retain

a surgical anchor about the anchor carrier.

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31. (New) The device of claim 30 further comprising at least one surgical anchor located in a juxtaposition with the anchor carrier each surgical anchor having a penetration section and a head section.

- 32. (New) The device of claim 31 wherein the surgical anchor includes a blunt distal end.
- 33. (New) The device of claim 31 wherein the surgical anchor includes one or more slits for removal from the anchor carrier.
- 34. (New) The device of claim 31 wherein the surgical anchor includes one or more barbs for engagement with the tissue.
- 35. (New) The device of claim 31 wherein the proximal shoulder of the tissue penetrator member is configured to smoothly transition into the distal end of the surgical anchor.